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Crime prevention and criminal justice

Implementation of the mandates of the United Nations crime prevention and criminal justice programme, with particular reference to the technical cooperation activities of the United Nations Office on Drugs and Crime

Report of the Secretary-General

Summary

The present report has been prepared pursuant to General Assembly resolution 64/179. It summarizes the support provided by the United Nations Office on Drugs and Crime to Member States in their efforts to counter transnational organized crime, corruption and terrorism, as well as to prevent crime and reinforce criminal justice systems. It contains information on efforts to strengthen the United Nations crime prevention and criminal justice programme, with a focus on the role of the Commission on Crime Prevention and Criminal Justice and follow-up to the Twelfth United Nations Congress on Crime Prevention and Criminal Justice. It includes information on emerging policy issues, responses thereto and recommendations aimed at enhancing the United Nations crime prevention and criminal justice programme.

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I. Introduction

1. In its resolution 64/179, the General Assembly, recognizing that actions against transnational organized crime and terrorism were a common and shared responsibility, and stressing the need to work collectively to prevent and combat transnational organized crime, corruption and terrorism, reaffirmed the importance of the United Nations crime prevention and criminal justice programme in promoting effective action to strengthen international cooperation in crime prevention and criminal justice, as well as the work of the United Nations Office on Drugs and Crime (UNODC) in the fulfilment of its mandate in that field.

2. The General Assembly urged UNODC to continue providing technical assistance to Member States to combat money-laundering and the financing of terrorism and to increase collaboration with intergovernmental, international and regional organizations that have transnational organized crime mandates. It invited UNODC to explore, within its mandate, ways and means of addressing emerging policy issues including piracy, cybercrime, sexual exploitation of children and urban crime. The Assembly requested UNODC, within its existing mandate, to strengthen the collection, analysis and dissemination of information on crime trends and support Member States in designing responses in specific areas of crime, in particular in their transnational dimension. It also requested the Office to provide assistance with a view to fostering international cooperation aimed at effectively countering the serious crime of kidnapping. The Assembly urged UNODC to assist Member States in combating the trafficking in firearms, their parts and components and ammunition, and to support them in addressing its links with other forms of transnational organized crime. It reiterated its request to the Office to enhance its technical assistance to Member States to strengthen international cooperation in preventing and combating terrorism through the facilitation of the ratification and implementation of related universal conventions and protocols related to terrorism, in close consultation with the Counter-Terrorism Committee and its Executive Directorate.

II. Enhancing international cooperation and responses to transnational organized crime

A. Transnational organized crime

3. UNODC continues to promote the ratification and implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto,[1] on trafficking in persons, migrant smuggling and illicit manufacturing of and trafficking in firearms. During the reporting period, several States ratified the Organized Crime Convention; the Protocol to Prevent, Suppress and Punish Trafficking in Persons; the Protocol against the Smuggling of Migrants by Land, Sea and Air; and the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, bringing the number of parties to those instruments to 155, 137, 123 and 80 respectively.

[1] United Nations, *Treaty Series*, vols. 2225, 2237, 2241 and 2326, No. 39574.

4. At its fourth session (8-17 October 2008), the Conference of the Parties to the United Nations Convention against Transnational Organized Crime adopted decisions on: possible mechanisms to review implementation of the Organized Crime Convention and the Protocols thereto (decision 4/1), international cooperation (decision 4/2), technical assistance (decision 4/3), trafficking in human beings (decision 4/4), implementation of the Smuggling of Migrants Protocol (decision 4/5) and implementation of the Firearms Protocol (decision 4/6).

5. Pursuant to recommendations to improve information-gathering on the implementation of the Organized Crime Convention and its Protocols, UNODC has developed software that has improved reporting by States. UNODC is developing a computer-based self-assessment tool that will allow States to report on implementation of both the Organized Crime Convention and the United Nations Convention against Corruption.[2] The tool is expected to improve the quality of the information received in order to allow UNODC to better meet the technical assistance needs of States.

6. UNODC has convened two open-ended intergovernmental meetings of experts on possible mechanisms to review implementation of the Organized Crime Convention and its Protocols, in September 2009 and January 2010. Participants in the meeting were tasked with submitting a report on mechanisms for reviewing implementation of the Organized Crime Convention and the Protocols thereto to the Conference, at its fifth session.

7. UNODC has held eight regional workshops on international cooperation. In its decision 4/2, the Conference noted that the Organized Crime Convention was being used by States as a basis for granting requests for extradition, mutual legal assistance and international cooperation for purposes of confiscation and requested the Secretariat to provide its support to strengthening networking among authorities at the interregional level. The Secretariat will prepare a catalogue of cases of extradition, mutual legal assistance and other forms of international legal cooperation to be disseminated at the fifth session of the Conference, in October 2010.

8. Furthermore, UNODC organized an expert group meeting on the establishment of a global cooperation network (9-10 November 2009) to, inter alia, identify how it could develop a secure online forum.

9. At its second intersessional meeting, held on 1 and 2 October 2009, the Open-ended Interim Working Group of Government Experts on Technical Assistance recommended that technical assistance projects focus on strengthening cooperation by raising awareness, assisting all Member States to ratify or accede to the Organized Crime Convention and its Protocols, building capacity, assisting States parties, and, where appropriate, non-parties, through legal assistance, strengthening international, regional and subregional cooperation, promoting law enforcement cooperation and protecting witnesses and victims of transnational organized crime.

10. In 2009, UNODC launched a new generation of country and regional programmes for East Asia and the Pacific, East Africa, Central America and the

[2] Ibid., vol. 2349, No. 42146.

Caribbean, and the Balkans. In 2010, regional programmes will be developed for West Africa, North Africa and the Middle East, Southern Africa, Central Africa, and Central and West Asia. Country programmes will be developed for Pakistan and Paraguay. These programmes have strong organized crime and criminal justice components.

11. UNODC has also provided technical assistance to support the protection of vulnerable witnesses. In connection with the post-election violence that erupted in Kenya, UNODC has worked closely with the Kenyan Government and human rights organizations to revise and upgrade the country's witness protection law and to begin implementing a protection programme. In addition, UNODC has carried out technical assessments of national capacities for the protection of witnesses in Azerbaijan, the Republic of Moldova and the United Republic of Tanzania.

12. The first regional conference on witness protection for the States of East Africa and other interested African participants was held in Kenya from 16 to 18 November 2009. At the conference, representatives of the International Criminal Court and the special tribunals for Rwanda and Sierra Leone shared their expertise. A workshop on witness and informant protection for all Arab States, organized together with the Programme on Governance in the Arab Region of the United Nations Development Programme (UNDP), was held in Rabat on 2 and 3 April 2009. A regional conference for Mediterranean States on the protection of vulnerable witnesses and migrant smuggling by sea was held in Greece from 26 to 28 January 2010.

13. In 2009, UNODC published *Guidance on the Preparation and use of Serious and Organized Crime Threat Assessments* and *Current Practices in Electronic Surveillance in the Investigation of Serious and Organized Crime*.[3] UNODC provided capacity-building support for conducting criminal intelligence analysis through assessments and the provision of related software and training to Albania, Bosnia and Herzegovina, Croatia, Montenegro, Serbia, Thailand, the former Yugoslav Republic of Macedonia and Viet Nam.

14. In February 2010, UNODC hosted an expert group meeting, chaired by the Department of Peacekeeping Operations of the Secretariat, to explore and devise a model for a United Nations criminal intelligence unit, to be deployed to all new United Nations peacekeeping missions.

15. Support was provided to States addressing the links between money-laundering and serious organized crime. UNODC placed seven mentors and four long-term consultants in the following areas: East and Southern Africa, South-East Asia, Central Asia, the Pacific Islands and Central America.

16. UNODC delivered financial investigation training courses on investigation skills and on fostering close working relationships between police officers and prosecutors in Cambodia, Ecuador, Egypt and Kyrgyzstan. Courses for regional financial intelligence unit analysts were delivered in Albania (for South-Eastern Europe), Burkina Faso (for West Africa), Colombia (for South America) and Viet Nam (for the Mekong region). UNODC was involved in the development of informal asset seizure networks, such as the Asset Recovery Inter-Agency Network

[3] United Nations publication, Sales No. 09.XI.19.

for Southern Africa and the asset recovery network of the Financial Action Task Force for South America against Money Laundering (GAFISUD), to assist prosecutors and investigators in the identification, tracing, freezing, seizure, confiscation and recovery of proceeds of crime.

17. UNODC, as a partner with the World Bank in the Stolen Asset Recovery (StAR) Initiative, assisted States in recovering stolen assets sent abroad by corrupt officials. The technical guides *Stolen Asset Recovery: Politically Exposed Persons—A Policy Paper on Strengthening Preventive Measures* was developed by UNODC with partners of the Initiative and made available to Member States. In addition, a handbook on asset recovery and a study on lowering the barriers to asset recovery are forthcoming. In collaboration with the Commonwealth Secretariat and the International Monetary Fund, UNODC issued model provisions for common law countries on money-laundering, financing of terrorism, preventive measures and the recovery of proceeds of crime.

B. Countering trafficking in persons and smuggling of migrants

18. UNODC supported States in implementing the Trafficking in Persons Protocol and the Smuggling of Migrants Protocol through the development of practical tools for criminal justice practitioners, including law enforcement officers, victim assistance providers, prosecutors, judges, policymakers and administrators, focusing on the development of materials based on best practices and training programmes for Member States and relevant stakeholders.

19. On 17 June 2010, UNODC released *The Globalization of Crime: A Transnational Organized Crime Threat Assessment*,[4] which addresses trafficking in persons for sexual exploitation to and from countries in Europe, Latin America and Africa, and the United States of America. In addition, UNODC has published papers on the smuggling of migrants, on the smuggling of migrants specifically by air, and on the involvement of organized crime in trafficking in persons and smuggling of migrants. Within the framework of a project supported by the European Union, UNODC is carrying out a study on the routes connecting West Africa, North Africa and Europe that are used to smuggle migrants.

20. In 2010, UNODC launched a programme to assist Member States in East and South-East Asia to combat the smuggling of migrants by criminal networks, including by addressing the lack of data on the extent of such smuggling, the characteristics of the organized criminal groups involved and national responses. Through the initiative, a coordination and analysis unit and a regional database will be established to coordinate, generate, manage, analyse, report and use information on migrant smuggling.

21. UNODC has supported States in their efforts to prevent trafficking in persons and to develop national, regional and global awareness-raising campaigns. On 31 May 2010, UNODC and the Council of the Baltic Sea States Task Force against Trafficking in Human Beings completed a joint regional project on fostering cooperation between non-governmental organizations and law enforcement agencies for preventing and combating human trafficking in, from and to the Baltic Sea

[4] Ibid., Sales No. E.10.IV.6.

region that resulted in the publication of a report entitled *Human Trafficking in the Baltic Sea Region: State and Civil Society Cooperation on Victims' Assistance and Protection*.

22. UNODC has published an analysis of the approach adopted in Islamic law to trafficking in persons and developed, with funding from the Government of France and through an inter-agency effort, the *International Framework for Action to Implement the Trafficking in Persons Protocol*. UNODC is currently developing a similar framework to facilitate the implementation of the Smuggling of Migrants Protocol.

23. In October 2009, UNODC held a second informal expert group meeting to draft model legislative provisions on migrant smuggling and published *Smuggling of Migrants: A Global Review and Annotated Bibliography of Recent Publications* in June 2010. UNODC has started developing specialized training material for criminal justice practitioners involved in the fight against migrant smuggling.

24. UNODC has been entrusted with coordinating the activities of the Inter-Agency Cooperation Group against Trafficking in Persons, which is working on a joint publication on efforts to counter human trafficking.

25. UNODC manages the Global Initiative to Fight Human Trafficking (UN.GIFT) in cooperation with the Office of the High Commissioner for Human Rights, the United Nations Children's Fund (UNICEF), the International Labour Organization, the International Organization for Migration and the Organization for Security and Cooperation in Europe (OSCE). UNODC is also a member of the Expert Coordination Team of the OSCE Alliance against Trafficking in Persons and of the Global Migration Group.

C. Measures against trafficking in firearms

26. UNODC has continued to promote ratification and implementation of the Firearms Protocol and the creation of comprehensive firearm control regimes. UNODC has continued to develop legal and technical tools and finalized technical guidelines for the implementation of the Firearms Protocol. It has also organized three rounds of expert group meetings for the development of a model law against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, covering preventive and control measures, criminal law provisions and international cooperation.

27. UNODC has organized and participated in several awareness-raising and training activities aimed at improving firearm control regimes, fostering international and regional cooperation, and promoting the ratification of the Firearms Protocol. In June 2009, UNODC organized a workshop in Barbados for the Caribbean region. In addition, UNODC participated in a workshop to combat trafficking in arms in Central America that was organized by the Government of the United States and held in Belize in July 2009; a regional seminar on peace and security in South Asia that focused on issues and priorities for regional cooperation for the control of small arms and light weapons, organized jointly by the Bangladesh Institute of International and Strategic Studies and Saferworld and held in Dhaka in November 2009; a regional seminar entitled "Enhancing international and regional

cooperation to prevent, combat and eradicate illicit brokering in small arms and light weapons in East and South-East Asia", which was organized by the United Nations Regional Centre for Peace and Disarmament in Asia and the Pacific and held in Bangkok in February 2010; and the annual meeting of the World Forum on the Future of Sport Shooting Activities, held in Nuremberg, Germany, in November 2009.

28. UNODC is a partner of the Coordinating Action on Small Arms mechanism and has participated in the mechanism's joint initiative to develop international small arms control standards. In addition, it has participated in an expert group meeting, organized by the United Nations Regional Centre for Peace and Disarmament in Africa and the ECOWAS Commission, for the development of a guide for the harmonization of national legislation on firearms in West Africa. UNODC is one of the six United Nations entities collaborating on the Armed Violence Prevention Programme and is contributing to reviewing the extent to which preventing armed violence advances the Millennium Development Goals. UNODC has also contributed to other events on firearm-related matters organized by regional organizations, such as the meeting of the Consultative Committee of the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials[5] and the OSCE meeting held in September 2009 to review documents relating to small arms and light weapons. Consultations on joint cooperation were held in Washington in 2009.

29. UNODC is developing a technical assistance project for countries in South America, the Caribbean, West Africa and Central Africa to facilitate the implementation of the Firearms Protocol. As part of its integrated technical assistance programme for Guatemala, UNODC attended and verified the destruction of approximately 7,000 firearms in Guatemala City and Escuintla. In that context, UNODC has finalized a cooperation agreement with the International Commission against Impunity in Guatemala outlining areas of cooperation against organized crime.

D. Curbing corruption

30. The Convention against Corruption is the only comprehensive global treaty against corruption. As at 25 May 2010, 144 States were parties to it.

31. The Conference of the States Parties to the United Nations Convention against Corruption held its third session in Doha from 9 to 13 November 2009, at which it adopted the terms of reference of the Mechanism for the Review of Implementation of the Convention, to be finalized by the Implementation Review Group (resolution 3/1). The Conference established an open-ended intergovernmental working group on the prevention of corruption (resolution 3/2) and adopted resolutions on asset recovery (resolution 3/3) and technical assistance (resolution 3/4). The Conference accepted the offers of the Government of Morocco and the Government of Panama to host its fourth session, in 2011, and its fifth session, in 2013, respectively. The General Assembly, in its resolution 64/237, welcomed the outcome of the third session of the Conference.

[5] United Nations, *Treaty Series*, vol. 2029, No. 35005.

32. The Conference endorsed the comprehensive self-assessment checklist to assist States in reporting on their implementation of the Convention. Responses to the checklist will form the backbone of country reviews under the Review Mechanism. The first meeting of the Implementation Review Group took place from 28 June to 2 July 2010. The working groups on preventive measures and asset recovery will meet in December 2010.

33. UNODC continued to develop tools to assist States in their implementation of the Convention against Corruption, including a legal library and the Knowledge Management Consortium, which aims to disseminate non-legal knowledge on implementation of the Convention. The *Technical Guide to the United Nations Convention against Corruption* was finalized and published, and a report prepared in cooperation with PricewaterhouseCoopers, entitled *Anti-Corruption Policies and Measures of the Fortune Global 500*, was launched. UNODC developed a set of statistical and analytical tools to support countries, upon request, in their efforts to assess the nature and extent of corruption. Three types of surveys (targeting households, businesses and civil servants) were carried out in Afghanistan, Iraq and the Western Balkans.

34. UNODC provided technical assistance in preventing and combating corruption to Afghanistan, Brazil, Cape Verde, Egypt, Indonesia, Iraq, Jordan, Kenya, the Libyan Arab Jamahiriya, Maldives, Montenegro, Nigeria, the Sudan, Seychelles, Swaziland, Thailand, the United Arab Emirates and Viet Nam. Technical assistance was also provided at the regional level for the Arab region, East and Central Africa and the Western Balkans.

35. UNODC developed and strengthened its partnerships with entities such as UNDP, the World Bank and the Global Compact Working Group on the Tenth Principle. On 9 December 2009, International Anti-Corruption Day, UNODC partnered with UNDP to develop a joint global campaign to raise awareness of how corruption hinders efforts to achieve the Millennium Development Goals.

E. Countering terrorism

36. Pursuant to General Assembly resolution 64/179, UNODC continued to deliver technical assistance on criminal justice aspects of countering terrorism to Member States.

37. UNODC provides counter-terrorism technical assistance under the policy guidance of the Counter-Terrorism Committee of the Security Council and in coordination with the Counter-Terrorism Committee Executive Directorate. Between 1 January 2009 and 30 April 2010, UNODC participated in 10 country visits with the Executive Directorate.

38. In the same period, 81 States received direct assistance in becoming parties to and implementing the international conventions and protocols relating to terrorism; many other States were reached through 25 regional and subregional workshops; and more than 2,300 criminal justice officials were trained. UNODC developed 19 specialized technical assistance tools and publications, including the compilation of legal resources on international terrorism made available on the UNODC website (www.unodc.org/tldb) and model legislative provisions against terrorism.

39. A workshop for the national counter-terrorism focal points was held in October 2009 in Vienna, to discuss ways of linking the global counter-terrorism work of the United Nations with national counter-terrorism strategies and efforts.

40. UNODC has contributed to the work of the Counter-Terrorism Implementation Task Force and, together with the Counter-Terrorism Committee Executive Directorate and the Executive Office of the Secretary-General, has helped to advance the work of the Task Force's working group on the Integrated Assistance for Countering Terrorism initiative, including through the setting up of an information-sharing system. UNODC co-chairs the Task Force's working group on tackling the financing of terrorism and is involved in the Task Force's working groups on protecting human rights while countering terrorism, on countering the use of the Internet for terrorist purposes, and on preventing and resolving conflicts. In February 2010, UNODC joined the Task Force's working groups on supporting and highlighting victims of terrorism and on preventing and responding to attacks using weapons of mass destruction.

41. As at May 2010, UNODC had contributed to the ratification of 529 international legal instruments by Member States and enabled 69 Member States to process new counter-terrorism legislation.

42. UNODC is in the process of developing a comprehensive legal training curriculum for criminal justice officials that should facilitate the systematic transfer of specialized counter-terrorism legal knowledge and expertise, including in areas such as nuclear, chemical, biological and radiological terrorism, financing of terrorism and countering the use of the Internet for terrorist purposes. Two intensive online training courses have been developed (one of them in cooperation with the International Criminal Police Organization (INTERPOL)) on international cooperation against terrorism. The courses have attracted participants from 72 countries. The UNODC Terrorism Prevention Branch is currently setting up a permanent virtual training platform, which will further enhance the sustainability of its capacity-building activities.[6]

III. Preventing crime and strengthening criminal justice systems

A. Crime prevention and criminal justice reform in developing, transitional and post-conflict societies

43. Through its field office network and its regional and country programmes, UNODC assists developing countries, countries emerging from conflict and countries with economies in transition to prevent crime and to reform their criminal justice systems.

44. During the reporting period, the UNODC criminal justice technical assistance programme expanded, in particular in the field of prison reform, through the support provided to projects in Africa, the Middle East, and West and Central Asia; other projects are being developed in Latin America and the Caribbean. In addition, a

[6] For more information, see the report of the Secretary-General on assistance in implementing the international conventions and protocols related to terrorism (A/65/91).

16-month prison reform project in the occupied Palestinian territories benefiting from funding from Canada, a 27-month prison reform project in Nigeria benefiting from funding from the United Kingdom and a three-year prison reform project in Kyrgyzstan benefiting from funding from the European Commission were launched.

45. Technical assistance and programme development missions were undertaken by UNODC to develop and support prison reform programmes in Afghanistan, El Salvador, Ghana, Guinea-Bissau, Haiti, Kyrgyzstan, Mauritius, Nigeria, Pakistan, Panama, Somalia, the Sudan, Uganda, Uruguay and Uzbekistan, as well as in the occupied Palestinian territories. Furthermore, assistance was provided by UNODC, jointly with the Department of Peacekeeping Operations and UNDP, to Afghanistan, Guinea-Bissau, Haiti, Liberia, Sierra Leone, Somalia and the Sudan.

46. UNODC is implementing a project to assist Member States in enhancing their capacity to provide access to legal aid in the criminal justice system in the African region, pursuant to Economic and Social Council resolution 2007/24. In May 2009, UNODC signed an agreement with the Paralegal Advisory Service Institute to implement the project, which includes needs assessment missions to three African countries, a survey on access to legal aid in Africa, the development of a handbook on promising practices on access to legal aid in Africa and training seminars to paralegals in three African countries.

47. UNODC is part of the United Nations Rule of Law Coordination and Resource Group, the United Nations inter-agency Security Sector Reform Task Force and the Interagency Panel on Juvenile Justice, and will continue to collaborate with the Armed Violence Prevention Programme to meet the challenges faced by countries facing armed violence.

B. Use and application of United Nations standards and norms in crime prevention and criminal justice

48. Several tools have been developed to implement standards and norms in crime prevention and criminal justice, facilitate the provision of technical assistance and support policymakers and practitioners. Those tools include the *Handbook on Prisoners with Special Needs*,[7] a crime prevention assessment tool that is part of the UNODC *Criminal Justice Assessment Toolkit*, the *Handbook on Crime Prevention Guidelines: Making Them Work*, the *Handbook on Effective Police Responses to Violence against Women* and the *United Nations Criminal Justice Standards for United Nations Police*.

49. Together with UNICEF, UNODC is developing a training package on the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime (Economic and Social Council resolution 2005/20, annex). The package is designed to assist professionals working with child victims and child witnesses of crime and to encourage the development of a fair and effective justice system that safeguards children's fundamental rights.

50. In November 2009, the Government of Thailand hosted an open-ended intergovernmental expert group meeting to develop, consistent with the Standard

[7] United Nations publication, Sales No. E.09.IV.4.

Minimum Rules for the Treatment of Prisoners[8] and the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules) (General Assembly resolution 45/110, annex), supplementary rules specific to the treatment of women in detention and in custodial and non-custodial settings. The outcome of that meeting was considered by the Commission on Crime Prevention and Criminal Justice, which recommended to the Economic and Social Council the approval of the draft resolution containing the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) for adoption by the General Assembly.[9]

51. The Crime Commission, at its nineteenth session, also recommended to the Economic and Social Council the approval of a draft resolution containing the updated Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice.[10]

52. UNODC is developing a set of principles and guidelines on legal aid in criminal justice systems to assist States in taking steps, in accordance with their domestic laws, to promote access to justice, to consider the provision of legal aid to those who need it and to enable the effective assertion of their rights in the criminal justice system. A meeting of experts to prepare a first draft of principles and guidelines on legal aid in criminal justice systems took place from 19 to 21 October 2009 and a further intergovernmental expert group meeting would be held, subject to the availability of extrabudgetary resources, in late 2010 or early 2011.

C. Data collection, research and trend analysis

53. The United Nations Survey on Crime Trends and Operations of Criminal Justice Systems is the primary instrument to collect crime and criminal justice statistics from Member States. Eleven surveys have been carried out to date, resulting in the collation of data from 1976 to 2008.[11] In 2010, UNODC made available an online database of statistics on intentional homicide from both criminal justice and public-health sources covering 198 countries and territories.[12] Since February 2010, the system for reporting such data to the United Nations has been simplified and improved to encourage and facilitate reporting by Member States.

54. At its nineteenth session, the Commission adopted its resolution 19/2, entitled "Strengthening the collection, analysis and reporting of comparable crime-related data",[13] in which it took note of the work of the open-ended intergovernmental expert group at its meeting held in Buenos Aires in February 2010 and requested

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[8] *Human Rights: A Compilation of International Instruments*, Volume I (First Part): *Universal Instruments* (United Nations publication, Sales No. E.02.XIV.4 (Vol. I, Part 1)), sect. J, No. 34.

[9] *Official Records of the Economic and Social Council, 2010, Supplement No. 10* (E/2010/30), chap. I, sect. A, draft resolution II.

[10] Ibid., draft resolution I.

[11] More information on the United Nations Surveys on Crime Trends and Operations of Criminal Justice Systems is available from http://www.unodc.org/unodc/en/data-and-analysis/United-Nations-Surveys-on-Crime-Trends-and-the-Operations-of-Criminal-Justice-Systems.html.

[12] See http://www.unodc.org/unodc/en/data-and-analysis/homicide.html.

[13] *Official Records of the Economic and Social Council, 2010, Supplement No. 10* (E/2010/30), chap. I, sect. D.

UNODC to strengthen the collection, analysis and reporting on world crime trends and patterns.

55. UNODC has conducted threat assessments on transnational drugs and crime and monitored transnational drugs and crime issues identified as priorities by the international community. During the reporting period, UNODC published the following: *Global Report on Trafficking in Persons* (February 2009), *Transnational Trafficking and the Rule of Law in West Africa: A Threat Assessment* (July 2009), *Addiction, Crime and Insurgency: The Transnational Threat of Afghan Opium* (October 2009), *Crime and Instability: Case Studies of Transnational Threats* (February 2010) and *The Globalization of Crime: A Transnational Organized Crime Threat Assessment* (June 2010).

56. UNODC has assisted requesting Governments in building capacity for the collection and reporting of crime and criminal justice statistics. With the support of the European Union, in 2009 UNODC commenced a two-year project entitled "Development of monitoring instruments for judicial and law enforcement institutions in the Western Balkans" to strengthen justice and home affairs statistics systems in countries and territories of the Western Balkans, with the aim of bringing such systems in compliance with the developing European Union acquis and standards. A project aimed at improving knowledge about drugs and crime in Africa was completed in 2010 with the publication of crime victimization surveys in Cape Verde, Egypt, Ghana, Kenya, Rwanda, Uganda and the United Republic of Tanzania.[14] UNODC support to States for the conduct of victimization surveys was strengthened by the publication, together with the Economic Commission for Europe, of the *Manual on Victimization Surveys* in early 2010. In addition to assisting with crime victimization surveys, UNODC supported the conduct of specialized surveys on corruption, including in Afghanistan and Iraq. The survey carried out in Afghanistan led to the publication in January 2010 of "Corruption in Afghanistan: Bribery as Reported by Victims".

57. UNODC worked on the development of indicators for measuring crime levels and assessing the efficiency of criminal justice systems, including by collaborating with the European Commission through its membership in the working group and task forces on crime statistics established by Eurostat and its participation in the Expert Group on Policy Needs for Data on Crime and Criminal Justice and relevant sub-groups.[15] In addition, UNODC is collaborating with the European Commission and the Economic Commission for Europe in a task force on crime classification and is working with other United Nations system entities on the development of indicators on armed violence in the context of the Armed Violence Prevention Programme and the Geneva Declaration on Armed Violence and Development.[16] In the area of juvenile justice indicators, UNODC collaborated with UNICEF in the organization of regional training sessions on the development of juvenile justice information systems. The training session for countries in the Middle East and

[14] Executive summaries of the victimization surveys are available from http://www.unodc.org/unodc/en/data-and-analysis/Data-for-Africa-publications.html.

[15] The Expert Group on Policy Needs for Data on Crime and Criminal Justice was established by the European Commission to guide work towards the identification of selected crime indicators. In 2009, UNODC participated in the sub-groups criminal justice statistics and planning.

[16] A/CONF.192/2006/RC/2, annex.

West Asia was held in Amman in May 2009; the one for countries in North Africa was held in Casablanca, Morocco, in March 2010; and the one for countries in South-Eastern Europe and Eastern Europe was held in Brussels in June 2010.

IV. Follow-up to the Twelfth United Nations Congress on Crime Prevention and Criminal Justice

58. The Twelfth United Nations Congress on Crime Prevention and Criminal Justice was held in Salvador, Brazil, from 12 to 19 April 2010.[17] The main theme of the Congress was "Comprehensive strategies for global challenges: crime prevention and criminal justice systems and their development in a changing world". More than 2,000 persons participated in the Congress, including 73 Government ministers, attorneys general and other high-level officials, other government representatives, observers for 17 intergovernmental organizations and 45 non-governmental organizations and more than 190 individual experts.

59. Pursuant to General Assembly resolution 63/193, the high-level segment of the Twelfth Congress was held from 17 to 19 April 2010. Participants in the high-level segment highlighted the opportunity that the Congress presented for the international community to provide a strategic orientation for developing tools for preventing crime and for prosecuting and punishing offenders. They also underscored the importance of integrating measures to tackle crime with initiatives on sustainable development, human rights, social inclusiveness, the rule of law and good governance.

60. The Twelfth Congress adopted the Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World.[18] In its resolution 64/180, the Assembly had requested the Commission on Crime Prevention and Criminal Justice at its nineteenth session to give high priority to considering the conclusions and recommendations of the Twelfth Congress, with a view to recommending, through the Economic and Social Council, appropriate follow-up by the Assembly at its sixty-fifth session. Accordingly, the Commission focused its discussions on identifying possible ways and means of translating into practice the political content of the Salvador Declaration, and recommended that the Council approve for adoption by the Assembly a draft resolution entitled "Twelfth United Nations Congress on Crime Prevention and Criminal Justice"[19]

V. Emerging policy issues

Piracy

61. UNODC is supporting countries in their efforts to combat piracy off the coast of Somalia and bring suspected pirates to justice. UNODC has worked with Kenya

[17] See A/CONF/213/18.

[18] A/CONF.213/18, chap. I, resolution 1.

[19] *Official Records of the Economic and Social Council, 2010, Supplement No. 10* (E/2010/30), chap. I, sect. A, draft resolution IV.

and Seychelles to provide support to the police, courts, prosecutors and prisons to ensure that the trials of suspected pirates are effective, efficient and fair. In the framework of its Counter-Piracy Programme, UNODC has reviewed the legislation of States in East Africa and supported the development of action plans to support prosecutions for piracy, the training of prosecutors and the upgrading of offices, the development of court facilities, the delivery of witnesses to trial, the substantial improvement of prison conditions and the reduction of overcrowding, and the improvement of police investigation practices and evidence handling.

62. UNODC has undertaken similar work in Somalia. With the support of other agencies, UNODC has taken responsibility for developing the correctional services in Somalia, developed national capacity, completed needed refurbishments and built prisons to ensure secure and humane imprisonment. UNODC has also undertaken a law reform programme for Somalian authorities that will address piracy and other serious crimes. The Office is also working with the prosecution to develop capacities for fair and efficient trials in Somalia and the transfer of suspected pirates arrested by foreign navies.

Cybercrime

63. In June 2009, under the European Commission-funded programme for the harmonization of cybercrime investigative training for law enforcement officials, UNODC hosted a "live data forensics" training course. UNODC organized an expert group meeting on international cooperation against transnational organized crime, with specific regard to cybercrime, held in October 2009, to discuss and assess the role of UNODC in the fight against cybercrime. At the meeting, participants considered the initiatives and programmes that had already been put in place by other organizations, institutions and national authorities, and looked at how UNODC could best collaborate with entities on those activities and programmes to promote a more coordinated and sustainable approach to combating cybercrime in developing countries. As part of a series of guidance notes on new emerging crimes for UNODC and its field offices, a guidance note on cybercrime was finalized in early January 2010. At the Twelfth Crime Congress, cybercrime was the focus of a specific agenda item, two ancillary meetings and a four-day training laboratory for investigators run by Microsoft. It was recommended that UNODC continue to cooperate with relevant organizations to provide technical assistance and capacity-building, in particular taking into account technical assistance programmes and legal instruments of other intergovernmental organizations.

Sexual exploitation of children

64. At the annual conference of the International Scientific and Professional Advisory Council held in December 2009, UNODC and the Council focused on the theme "Protecting children from sexual offenders in the information technology era". Concrete proposals were made for action that UNODC could take to build long-term, sustainable capacity in developing countries. The use of information and communication technologies in the online sexual abuse and exploitation of children was also the focus at one of the ancillary meetings at the Twelfth Crime Congress. In addition, UNODC participated in the Child Online Protection initiative of the International Telecommunication Union by providing, in particular, substantive input and advice on UNODC mandates in this area. The use of information and

communication technologies, including the Internet, in the sexual abuse and exploitation of children will be the topic of the thematic debate of the Commission on Crime Prevention and Criminal Justice at its twentieth session, in 2011.

Environmental crime

65. Environmental crime is becoming an increasing challenge in both developed and developing countries, and UNODC has acted to support Member States through a comprehensive and multidisciplinary programme. UNODC has partnered with the Secretariat of the Convention on International Trade in Endangered Species of Wild Fauna and Flora,[20] the World Customs Organization, INTERPOL and the World Bank to enhance the collective capacity of States to counter wildlife crime through a programme on targeted law enforcement. The actions that comprise the programme have three key components: (a) carrying out targeted, quick-impact operations against priority trafficking areas; (b) setting the criteria and standards for effective criminal justice responses through analysis and capacity-building; and (c) mobilizing a collective international response with a global overview.

Countering trafficking in cultural property

66. UNODC convened a meeting of the expert group on protection against trafficking in cultural property in Vienna from 24 to 26 November 2009. The expert group submitted its recommendations for consideration by the Commission on Crime Prevention and Criminal Justice at its nineteenth session (E/CN.15/2010/5). During the thematic discussion on protection against trafficking in cultural property, it was recognized that transnational organized criminal groups were increasingly involved in trafficking in cultural property and that there was a need to reinforce the criminal justice response to the problem. It was also recognized that trafficking in cultural property was linked to other crimes, such as corruption, money-laundering and tax evasion, that could be addressed in the framework of existing crime treaties such as the Organized Crime Convention and the Convention against Corruption.

67. The Commission recommended to the Economic and Social Council the adoption of a draft resolution entitled "Crime prevention and criminal justice responses to protect cultural property, especially with regard to its trafficking". Should it adopt that draft resolution, the Council would request UNODC to convene at least one additional open-ended intergovernmental expert group meeting to submit to the Commission, at its twenty-second session, practical proposals for implementing the expert group's recommendations; to further explore the development of specific guidelines for crime prevention with respect to trafficking in cultural property, in close cooperation with the United Nations Educational, Scientific and Cultural Organization and other competent international organizations; and, in consultation with Member States and in close cooperation with the United Nations Educational, Scientific and Cultural Organization and other competent international organizations, to jointly explore efforts for the collection, analysis and dissemination of relevant data, specifically addressing the relevant aspects of trafficking in cultural property.

[20] United Nations, *Treaty Series*, vol. 993, No. 14537.

VI. Strengthening the United Nations crime prevention and criminal justice programme and the role of the Commission on Crime Prevention and Criminal Justice as its governing body

A. Implementation of the strategy for the period 2008-2011 for the United Nations Office on Drugs and Crime

68. The strategy for the period 2008-2011 for UNODC[21] contains objectives and result areas for three themes: rule of law; policy and trend analysis; and prevention, treatment and reintegration, and alternative development. The strategy is being implemented through programmes and projects at the national, regional and global levels.

69. UNODC has been developing integrated regional and thematic programmes that have evolved from being project-based to adopting a more flexible approach to technical assistance. This new approach aims to achieve the following: (a) full ownership by partner countries through alignment with regional and national policies and priorities; (b) an integrated framework linking the normative and operational aspects of the work done by UNODC to provide know-how and expertise at the global, regional and national levels; and (c) more effective cooperation and planning with other United Nations entities and multilateral donors.

70. UNODC has engaged with the World Bank, the European Commission, the Inter-American Development Bank, the Caribbean Community and other regional and global institutions to explore the potential for joint operations in the areas of crime prevention, judicial and criminal justice reform, countering money-laundering, countering the financing of terrorism and sustainable livelihoods.

71. UNODC has continued its partnerships and coordination with other United Nations entities in order to step up its engagement with bodies across the United Nations system, in particular through the United Nations Development Group. In addition, UNODC has been taking an increasingly visible role in raising awareness at the level of the Security Council on the threats posed by transnational organized crime globally and in various regions.

B. Governance and financial situation of the United Nations Office on Drugs and Crime

72. In its decision 2009/251, the Economic and Social Council established a standing open-ended intergovernmental working group on improving the governance and financial situation of UNODC. The working group presented its reports to the Commission on Narcotic Drugs, at its reconvened fifty-second session and at its fifty-third session, and to the Commission on Crime Prevention and Criminal Justice, at its reconvened eighteenth session and at its nineteenth session (E/CN.7/2009/15-E/CN.15/2009/25 and E/CN.7/2010/16-E/CN.15/2010/16). During the period October 2009-February 2010, the working group considered a variety of

[21] Economic and Social Council resolution 2007/12, annex.

issues related to the consolidated budget for the biennium 2010-2011 for UNODC, governance, the financial situation of UNODC, evaluation and oversight.

73. In 2009, voluntary contributions were pledged in the amount of $215.2 million, which represents a decline of about 17 per cent compared to 2008 ($260.3 million). Most of UNODC funding is tightly earmarked for special purposes and programmes, while unearmarked funding for general purposes is limited (less than 6 per cent of total funding available to UNODC). The overall decline in voluntary contributions combined with a decline in interest income resulted in a sharp and unexpected decline of 26 per cent in general-purpose income, which had a disproportionate impact on day-to-day operations and the ability of UNODC to carry out its mandate.

74. The General Assembly currently allocates less than 1 per cent of the regular budget of the United Nations to UNODC. In the two-year budget period 2010-2011, this amounts to $42.6 million.

75. In 2009, to overcome this challenging situation, 29 posts covered by general-purpose funds were abolished and significant reductions were made to operating expenses, travel, consultancies and contractual services. In addition, UNODC substantially realigned its field office network and streamlined the work of some units. In addition, UNODC rationalized and simplified its fragmented, project-based approach with the development of integrated regional and thematic programmes.

76. In view of those financial difficulties, the consolidated budget for the biennium 2010-2011 for UNODC (E/CN.7/2009/13-E/CN.15/2009/23), which was approved by the Commission on Narcotic Drugs and by the Commission on Crime Prevention and Criminal Justice in December 2009, was a fiscally austere budget. It was based on the level of general-purpose income of 2009 and on extending to 2011 the cost-saving measures adopted in 2009. The Advisory Committee on Administrative and Budgetary Questions, in its review of the consolidated budget, commended UNODC for its proactive efforts to contain general-purpose costs and for its prudent approach in managing programme support cost funds (E/CN.7/2009/14-E/CN.15/2009/24).

77. Additional savings measures in general-purpose funds may be required in 2010-2011 to keep the fund in balance. Information received from donors in 2010 indicates that general-purpose income could drop further, from $11.7 million (budget estimate) to $10.8 million in the same year and $10.4 million in 2011. At the same time, due to increased salary costs, expenditure projections are anticipated to increase from $10.8 million (budget estimate) to $11.4 million in 2010 and $12.1 million in 2011, which would result in a de facto budget overrun of $2.2 million at the end of the biennium.

78. For the first time in the history of UNODC, in December 2009, the General Assembly expressed concern regarding the overall financial situation of the Office and requested the Secretary-General to submit proposals in his proposed programme budget for the biennium 2012-2013 ensuring that the Office has sufficient resources to carry out its mandate (Assembly resolution 64/243, para. 85).

79. The limited regular budget resources, coupled with a further reduction in general-purpose funding and a projected decline in programme volume will continue to impact the ability of UNODC to implement its mandate efficiently,

achieve results, promote policymaking and preserve and maintain the expertise and knowledge it provides to Member States. If UNODC is to fulfil its mandate effectively, it needs Member States' support and a strong commitment to provide it with adequate and stable core funding.

VII. Recommendations

80. It is recommended that the General Assembly consider the following measures:

(a) Encouraging Member States, in line with the resolutions of the Commission on Crime Prevention and Criminal Justice, to develop, with UNODC expertise, integrated regional programmes addressing key challenges and priorities in countering organized crime and corruption;

(b) Building on the West Africa Coast Initiative, involving UNODC, the Department of Peacekeeping Operations, the Department of Political Affairs of the Secretariat and INTERPOL, as a model to be replicated in specific regions, such as Central America, to address crime and violence at the regional level;

(c) Reiterating the request made by the Assembly, in paragraph 85 of its resolution 64/243, to the Secretary-General to submit proposals in his proposed programme budget for the biennium 2012-2013 to ensure that UNODC has sufficient resources to carry out its mandate, and encouraging Member States to address, as a matter of urgency, the need to provide regular, stable and adequate resources to UNODC to enable it to implement its mandate, to provide support in accordance with the increasing demand for technical assistance from Member States and in order to assure sustainability of the Office;

Combating transnational organized crime

(d) Encouraging Member States that have not already done so to ratify or accede to the Organized Crime Convention and the Protocols thereto, to take necessary steps to ensure effective implementation of those instruments including, if necessary, by reviewing and amending their legislation, and to take advantage of the wide spectrum of tools and assistance offered by UNODC in the fight against transnational organized crime;

(e) Assisting in the development of a mechanism for reviewing the implementation of the Organized Crime Convention and the Protocols thereto;

(f) Encouraging Member States, if they have not already done so, to strengthen the skills and capacity of criminal justice agencies responsible for combating trafficking in persons and smuggling of migrants and protecting the rights of victims of trafficking and of smuggled migrants;

(g) Encouraging Member States to make use of the tools and resources available to them in combating trafficking in persons and smuggling of migrants, such as the *International Framework for Action to Implement the Trafficking in Persons Protocol* and the forthcoming model law against smuggling of migrants;

(h) Encouraging Member States to support UNODC, together with relevant organizations and partners, in developing an action plan for technical assistance and sustainable capacity-building at the international level to counter cybercrime;

Data collection, research and trend analysis

(i) Encouraging Member States that do not already do so, to report regularly through the United Nations Survey of Crime Trends and Operations of Criminal Justice Systems, and to approach UNODC with requests for technical support for strengthening crime and criminal justice statistics systems, where required;

(j) Encouraging Member States to undertake and support assessments of transnational organized crime threats, including emerging threats, at the national and the international levels;

Corruption

(k) Encouraging Member States that have not already done so to ratify or accede to the Convention against Corruption and to support its full implementation;

(l) Encouraging States parties and signatories to the Convention against Corruption to provide full support to the Review Mechanism adopted by the Conference of the States Parties to the Convention;

(m) Encouraging Member States to give full effect to the resolutions on preventive measures, technical assistance and asset recovery adopted by the Conference of the States Parties at its third session;

(n) Encouraging Member States to provide UNODC with the funding necessary to enable it to continue providing and expanding technical assistance for the effective implementation of the Convention against Corruption;

Terrorism

(o) Sustaining focused attention and providing support to the efforts undertaken by UNODC to strengthen the legal regime against terrorism and the delivery of technical assistance for enhancing national capacities;

(p) Providing further guidance with regard to the reinforcement of the counter-terrorism technical assistance work done by UNODC, for strengthening the legal regime against terrorism and for addressing cross-cutting issues of crime, drug and terrorism prevention;

(q) Providing further guidance concerning the involvement of UNODC in the work of the Counter-Terrorism Implementation Task Force;

(r) Inviting Member States to increase the level of extrabudgetary and regular budget resources for implementing the technical assistance activities of UNODC in the area of terrorism prevention;

Crime prevention and criminal justice reform in developing, transitional and post-conflict societies

(s) Requesting UNODC to continue to provide technical assistance to Member States, in particular developing, transitional and post-conflict countries, in the areas of crime prevention and criminal justice;

(t) Requesting UNODC to assist requesting Member States in ensuring that legislation and institutional capacities are in place for the rehabilitation of offenders, in particular young people in conflict with the law, and their social reintegration in accordance with the relevant United Nations standards and norms in crime prevention and criminal justice;

(u) Encouraging Member States to translate those standards and norms into their national languages, to utilize existing manuals and handbooks on the standards and norms, and to organize training opportunities for relevant criminal justice officials;

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(v) Inviting Governments to take into consideration the Salvador Declaration and the recommendations adopted by the Twelfth Congress when formulating legislation and policy directives and to make all efforts, where appropriate, to implement the principles contained therein, taking into account the economic, social, legal and cultural specificities of their respective States;

(w) Inviting Member States to identify areas covered in the Salvador Declaration where further tools and training manuals based on international standards and best practices are needed, and to submit that information to the Commission on Crime Prevention and Criminal Justice for considering potential areas of future activity of UNODC;

(x) Requesting UNODC to continue to provide technical assistance to facilitate the ratification and implementation of the Organized Crime Convention, the Convention against Corruption, as well as the international instruments related to the prevention and suppression of terrorism;

(y) Welcoming with appreciation the offer of the Government of Qatar to act as host to the thirteenth United Nations Congress on Crime Prevention and Criminal Justice, in 2015.